

IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

02 OCT 23 AM 8:09

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM  
Rio Gallina, Section 5

Subfile No. CHGA-002-0048

**ORDER GRANTING DEFAULT JUDGMENT**

THIS MATTER is before the Court on the October 11, 2002 Unopposed Motion for Default Judgment (Docket No. 6904) by the plaintiff, State of New Mexico, *ex rel.*, State Engineer ("State") directed against defendants **SAM CHAVEZ** and **AURELIA CHAVEZ** ("defendants"). The Court, having considered the record in this cause and being fully advised in the premises, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The defendants each filed a Statement of Water Rights Claim with the Court on December 11, 2000 (Docket Nos. 6069, 6070) claiming water rights in Section 5 of the Rio Chama Stream System.
3. The State disputed the water rights claims of the defendants, and proposed that the Court adjudicate the claims of the defendants as "No Right" or without water rights.
4. On September 25, 2002, defendants failed to appear for the taking of their depositions after service by the State of a proper notice.
5. Under Federal Rule of Civil Procedure 37(d), if a party fails to appear before the

6914

officer who is to take his or her deposition after being served with a proper notice, the Court may make such orders in regard to the failure as are just, including rendering a default judgment against the disobedient party.

6. The defendants do not oppose the granting of the State's motion for default judgment and the adjudication of their water rights claims as "No Right."

7. The State's motion for default judgement against defendants Sam Chavez and Aurelia Chavez in Subfile CHGA-002-0048 should be granted.

8. In connection with the Statements of Water Rights Claims filed December 11, 2000 (6069, 6070) the water rights of the defendants should be adjudicated by default order as follows:

**AURELIA CHAVEZ  
SAM CHAVEZ**

**Subfile No.: CHGA-002-0048**

**A. NO RIGHT (Surface Water Only)**

**Office of the State Engineer Files No(s):** NONE

**Priority:** NONE

**Source of Water:** Surface water of the Rio Capulin, a tributary of the Rio Gallina, a tributary of the Rio Chama.

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch Name:** Cordova/Martinez Ditch

**Location X:** 1,481,451 feet **Y:** 1,897,664 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage:**

Section 14, Township 23N, Range 01E, N.M.P.M.

Pt. NW¼	12.4 acres
---------	------------

Section 15, Township 23N, Range 01E, N.M.P.M.

Pt. NE¼	2.5 acres
---------	-----------

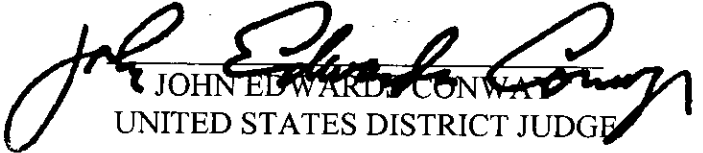
Total	14.9 acres
-------	------------

As shown on the attached revised Hydrographic Survey Map for Subfile No.:  
CHGA - 002 - 0048

**Amount of Water:** NONE

IT IS, THEREFORE, ORDERED that the above-named defendants be and hereby are, adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that the defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

  
JOHN EDWARD CONWAY  
UNITED STATES DISTRICT JUDGE

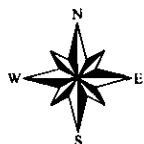
Recommended for approval:

  
\_\_\_\_\_  
SPECIAL MASTER



# LEGEND

- |                          |                    |
|--------------------------|--------------------|
| Irrigated Tract Boundary | Point of Diversion |
| No Right Tract Boundary  | Fallow             |
| Seeped Area              | No Right           |
| Operable Ditch           |                    |
| Inoperable Ditch         |                    |
| Stock Ponds / Reservoir  |                    |



1 inch = 300 feet  
 0 50 100 200 300  
 Feet

STATE OF NEW MEXICO  
 Office of the State Engineer  
 Thomas C. Turney, State Engineer

Rio Chama Hydrographic Survey  
 RIO GALLINA SECTION

Subfile Number  
 CHGA 002-0048  
 Cordova/Martinez Ditch  
 AMENDED  
 August 30, 2002

